

November 8, 2000

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

850 Union Bank of California Building  
900 Fourth Avenue  
Seattle, Washington 98164  
Telephone (206) 296-4660  
Facsimile (206) 296-1654

**REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL**

SUBJECT: Department of Development and Environmental Services File No. **L00P0004**

**SWEETBRIER**

Preliminary Plat Application

Location: South of Northeast 140<sup>th</sup> Street and east of 132<sup>nd</sup> Avenue Northeast

Applicant: Cam-West Development, *represented by*  
**Sara Slatten**  
9720 – 120<sup>th</sup> Place, Suite 100  
Kirkland, WA 98034  
Telephone: (425) 825-1955

King County: Department of Development and Environmental Services,  
Land Use Services Division, *represented by*  
**Kim Claussen**  
900 Oakesdale Avenue SW  
Renton, WA 98055-1219  
Telephone: (206) 296-7167 Facsimile: (206) 296-6728

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary Recommendation:	Grant the application
Department's Final Recommendation:	Grant the application
Examiner's Decision:	Grant the application

**PRELIMINARY MATTERS:**

Application or petition submitted:	February 14, 2000
Complete application:	March 7, 2000

## EXAMINER PROCEEDINGS:

Hearing Opened: November 7, 2000  
Hearing Closed: November 7, 2000

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

## ISSUES/TOPICS ADDRESSED:

- On-site recreation areas

## SUMMARY:

The preliminary plat application is granted, subject to conditions.

**FINDINGS, CONCLUSIONS & DECISION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

## FINDINGS:

1. **General Information:**

Owner/Developer:	Camwest Development, Inc. 9720 NE 120 <sup>th</sup> Place, Suite 100 Kirkland, WA 98034 (425) 825-1955
Engineer:	Core Design 4205 148 <sup>th</sup> Ave NE, Suite 200 Bellevue, WA 98007 (425) 885-7877
STR:	21-26-5
Location:	The site lies south of NE 140 <sup>th</sup> Street and east of 132 <sup>nd</sup> Ave NE
Zoning:	R-8
Acreage:	5.9 acres
Number of Lots:	47
Density:	8 units per acre
Lot Size:	Ranges from approximately 3,200 to 6,000 square feet

Proposed Use:	Single-family detached dwellings
Sewage Disposal:	Northshore Utility District
Water Supply:	Woodinville Water District
Fire District:	King County District #41
School District:	Lake Washington
Complete Application Date:	March 7, 2000

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the November 7, 2000 public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.
3. CamWest Development, Incorporated, has submitted a preliminary plat application to subdivide 5.9 acres into 47 lots for single-family residential development. The property lies northeast of Totem Lake within the unincorporated area between Kirkland and Woodinville. The property is the site of a former wholesale nursery and constitutes an in-fill development within an established residential neighborhood.
4. The principle technical issues raised by this plat application concern the appropriate location for the plat access road and the need to upgrade the downstream drainage conveyance system serving the plat. In addition, some uncertainty continues to exist about the precise location and character of the on-site recreational facilities. A neighbor residing near the southeast corner of the plat, Kim Olmstead, requested that any recreational facilities constructed in this location not be provided with outdoor illumination. The Applicant has agreed to a condition to such effect.

#### CONCLUSIONS:

1. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval imposed herein, including dedications and easements, will provide improvements that promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

#### DECISION:

The preliminary plat application for Sweetbriar as revised and received on September 21, 2000 is APPROVED, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.

2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-8 zone classification. All lots shall meet the minimum dimensional requirements of the R-8 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
5. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval, which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
  - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #\_\_\_\_\_ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file."
  - d. Storm water facilities shall be designed using the KCRTS level one flow control standard unless a more restrictive design is determined necessary by King County.

Conveyance system nuisance problems have been identified on properties located immediately downstream from the subject property. As proposed by the applicant, improvements shall be made to install a new piped drainage system to safely convey storm water from the site to the existing storm lines along NE 129<sup>th</sup> Place NE. To prevent potential impacts on adjacent properties, the downstream conveyance system shall be designed to accommodate a potential overflow for the 100-year developed flow rate. The final engineering plans shall provide notes indicating the procedures for notification of off-site property owners and installation requirements for the drainage system.

- e. Water quality facilities shall be provided using the basic water quality menu as described in Chapter 6 of the drainage manual.
  - f. The final drainage analysis shall evaluate the requirements for off-site bypass as outlined in the drainage manual on page 1-36. If determined necessary by King County, a drainage easement shall be provided across lot 1 to accommodate the need for future conveyance of storm water from the parcel located northeast of the site.
  - g. The size of the proposed drainage tracts may have to increase to accommodate the required detention storage volumes and water quality facilities. All runoff control facilities shall be located in a separate tract and dedicated to King County unless portions of the drainage tract are used for recreation space in accordance with KCC 21A.14.180.
  - h. The geotechnical engineering report prepared for Sweetbriar has identified the need to remove layers of organic topsoil prior to development and control shallow groundwater which was identified during site investigations. To address these issues, the applicant's engineer shall include the required design features on the final grading and engineering plans. A letter from a geotechnical consultant shall be submitted with the engineering plans to verify that the design plans adequately address the applicable requirements for earthwork, groundwater, and other geotechnical requirements.
  - i. A drainage complaint (96-0855) was filed with King County in 1996 regarding surface and ground water problems within the short plat adjacent to proposed Road A. To prevent potential drainage problems, the applicant shall provide designs on the final engineering plans to address the required drainage controls.
9. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
- a. Road A and the loop road within the plat shall be improved as an urban subaccess street.
  - b. Road F shall be improved as an urban minor access street.
  - c. The existing driveways along 132nd Avenue NE shall be removed and the vertical curb and sidewalk along the frontage shall be restored.

- d. During preliminary review the applicant submitted a road variance application (File No. L00V0074), regarding intersection spacing at the project entrance along NE 140<sup>th</sup> Street. The variance received approval by the County Road Engineer on 9/15/00.
  - e. Street trees shall be included in the design of all road improvements, and shall comply with Section 5.03 of the KCRS.
  - f. A pedestrian access tract (minimum 10 feet in width) with a 5 ft. paved surface shall be provided from Road C/B east to 132<sup>nd</sup> Ave NE. A minimum 4 ft fence shall be provided on each side of the tract.
  - g. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
10. The narrow strip of Tract A extending northward to NE 140<sup>th</sup> Street shall be shown as public road right-of-way.
11. King County Code 16.82.150D requires seasonal limitations for construction within the Northshore Community Planning Area. During the period October 1 through March 31, clearing and grading is not allowed unless certain provisions are complied with as outlined in the code. The applicants engineering plans and construction procedures shall demonstrate compliance with the applicable code requirements.
12. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
13. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
14. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
15. There shall be no direct vehicular access to or from 132d Ave NE from those lots which abut it. A note to this effect shall appear on the engineering plans and final plat.

16. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
  - a. An overall recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations (minimum 390 sq. ft. per lot of active recreation), dimensions, and general improvements. No outdoor lighting shall be provided. The approved engineering plans shall be consistent with the recreation plan.
  - b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents. Note, this may result in the reconfiguration and/or loss of lots.
  - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
17. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, landscape and pedestrian tracts.
18. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
  - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
  - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
  - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.

- f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
  - g. The applicant shall contact Metro Service Planning at 684-1622 to determine if 132<sup>nd</sup> Ave NE is on a bus route. If NE 132<sup>nd</sup> Ave is on a bus route, the street tree plan shall also be reviewed by Metro.
  - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
- A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
19. The applicant shall resubmit a significant tree survey with the engineering plans and demonstrate compliance with SO-220, prior to engineering plan approval. This may include the submittal of a planting plan.

ORDERED this 8<sup>th</sup> day of November, 2000.

---

Stafford L. Smith  
King County Hearing Examiner

TRANSMITTED this 8<sup>th</sup> day of November, 2000, to the following parties and interested persons:

Tamara Buchanan  
Eric Campbell  
Roger Dorstad  
Hedman Residence  
Leeann Jarrett  
King County Envir Health Division  
Marsha Martin  
Linda Matlock  
Eleanor Moon  
New Home Trends  
Kim Olmstead  
Carol Rogers  
Larry West

Jim Olsen  
Gracie Roberts  
Sara Slatten  
Kevin Vanderzanden  
Greg Borba  
Steve Bottheim  
Laura Casey  
Kim Claussen  
Peter Dye  
Kristen Langley  
Aileen McManus  
Steven C. Townsend



NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) *on or before November 22, 2000*. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before November 29, 2000*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE NOVEMBER 7, 2000 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L00P0004 – SWEETBRIAR:

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Kim Claussen, Pete Dye and Aileen McManus (KCDOT). Participating in the hearing and representing the Applicant were Marsha Martin, Attorney at Law, and Eric Campbell and Sara Slatten of CamWest Development. The only other participant in this hearing was Kim Olmstead.

The following exhibits were offered and entered into the record:

- |                |   |
|----------------|---|
| Exhibit No. 1  | DDES File No. L00P0004  |
| Exhibit No. 2  | DDES Preliminary Staff Report to the Hearing Examiner, dated November 7, 2000 |
| Exhibit No. 3  | Application, dated February 14, 2000  |
| Exhibit No. 4  | Environmental Checklist, dated February 14, 2000                              |
| Exhibit No. 5  | Declaration of Non-Significance, dated September 26, 2000                     |
| Exhibit No. 6  | Plat Map, dated September 21, 2000 (revised)                                  |
| Exhibit No. 7  | Conceptual Recreation Plan (received October 27, 2000)                        |
| Exhibit No. 8  | Land Use Map 419E \$510W  |
| Exhibit No. 9  | Assessors Maps NE & SE 21-25-5, NW & SW 22-26-5                               |
| Exhibit No. 10 | Level 1 Drainage Analysis by Core Design, dated February, 2000                |
| Exhibit No. 11 | Revised Level 1 Drainage Analysis by Core Design, dated May, 2000             |
| Exhibit No. 12 | Storm Easement (w/CamWest cover letter), dated February 14, 2000              |
| Exhibit No. 13 | Conceptual Drainage Plan by Core Design, received June 2, 2000                |
| Exhibit No. 14 | Geotechnical Report by Associated Earth Sciences, dated February, 2000        |
| Exhibit No. 15 | Traffic Study, by Garry Struthers Associates, dated January 27, 2000          |
| Exhibit No. 16 | KCRS variance decision (File No. L00V0074), dated September 15, 2000          |

SLS:sje  
Plats/L00P0004 RPT